

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **VICE CHAIRMAN SYLVIA BOOKOUT-REINICKE**, on  
January 10, 2003 at 3 P.M., in Room 472 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Karl Waitschies, Chairman (R)  
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Joe Balyeat (R)  
Rep. George Golie (D)  
Rep. Jim Keane (D)  
Rep. Bernie Olson (R)  
Rep. Allen Rome (R)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Bill Wilson (D)

**Members Excused:** Rep. Bob Bergren (D)  
Rep. Ronald Devlin (R)

**Members Absent:** None.

**Staff Present:** Leanne Kurtz, Legislative Branch  
Pati O'Reilly, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 22, 1/8/2003; HB 67,  
1/8/2003; HB 68, 1/8/2003  
Executive Action: None

**HEARING ON HB 22****Sponsor:** REP. CHRISTINE KAUFMANN, HD 53**Opening Statement by Sponsor:**

REP. KAUFMANN explained that HB 22 resulted from an interim study group panel to look at the uniform vehicle code and how it relates to Montana laws. SJR 6 was passed in 2001 that formed the above committee to revise traffic codes in Montana to provide clarity and uniformity. The rules are found in Title 61, Chapter 8 that establish the rules of the road, the responsibilities of the departments of both Justice and Transportation, and that deal with enforcement procedures. These regulations have not been updated for several decades resulting in conflicts in rules and regulations. This is an attempt to comply with the Universal Vehicle Code. The panel was composed of Senator Glaser, Spook Stang of Montana Motor Carriers, Joe Cannan a citizen, Kathy Harris representing local government, Judge Wally Jewell, Colonel Oberg, Chief of Montana Highway Patrol, Brenda Nordland of Attorney General Office, Mary LaFond of Motor Vehicle Division, Leanne Turk as Transportation Committee legislative staffer, David Huff from Office of Public Instruction and staff person Pierre from Department of Transportation.

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 4.5}***

**Proponents' Testimony:**

Jim Currie, Deputy Director, Department of Transportation. As a result of the work of the SJR 6 committee there will be five bills presented this session. This bill updates the terminology and laws relative to traffic control devices. A few highlights are: the current law still refers to traffic control signals as exhibiting the words "Go, Caution and Stop" which dates back to pre- World War II. This bill also clarifies the use of green, yellow and red arrows and other signal indications.

**EXHIBIT**(trh05a01)

***{Tape: 1; Side: A; Approx. Time Counter: 4.5 - 6.5}***

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:** REP. KAUFMANN closed.

***{Tape: 1; Side: A; Approx. Time Counter: 6.5 - 7.8}***

**HEARING ON HB 67**

**Sponsor:** REP. CHRISTINE KAUFMANN, HD 53

**Opening Statement by Sponsor:**

REP. KAUFMANN, HD 53 introduced HB 67. This is the second bill that resulted from the SJR 6 interim study committee.

*{Tape: 1; Side: A; Approx. Time Counter: 7.8 - 8.7}*

**Proponents' Testimony:**

**Jim Currie, Deputy Director, Department of Transportation.** This bill proposes legislation that clarifies the driver's response to crossing guards. It also prohibits intoxicated pedestrians from standing or walking on the roadway or shoulder, and defines that pedestrians must yield to authorized emergency vehicles, the operator of vehicles must yield to blind persons, pedestrians must not cross railroad crossings when the gate or arms are down.

**EXHIBIT**(trh05a02)

*{Tape: 1; Side: A; Approx. Time Counter: 8.7 - 10.1}*

**David Huff, Office of Public Instruction (OPI).** The OPI supports HB 67 and served as a technical resource for this bill. We support the authority, references and responsibilities for school safety patrols. These patrols were a good idea but are no longer safe, as they involved children helping other children in crossing streets.

*{Tape: 1; Side: A; Approx. Time Counter: 10.1 - 12.5}*

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None.

*{Tape: 1; Side: B; Approx. Time Counter: 3.2 - 8.5}*

**Closing by Sponsor:**

REP. KAUFMANN closed with a short summary of the intent of the study committee.

*{Tape: 1; Side: A; Approx. Time Counter: 22.9 - 24.7}*

**HEARING ON HB 68**

**Sponsor:** REP. CHRISTINE KAUFMANN, HD 53

**Opening Statement by Sponsor:**

REP. KAUFMANN, HD 53, introduced HB 68. This bill, like all the other bills, was to be a straightforward issue and non-controversial. She said she now understands the recreational vehicle users have some concerns regarding the wording of this bill.

*{Tape: 1; Side: A; Approx. Time Counter: 24.7 - 26.8}*

**Proponents' Testimony:**

Jim Currie, Deputy Director, Department of Transportation. This bill was intended to make the laws clear and understandable.

**EXHIBIT**(trh05a03).

**Opponents' Testimony:** None

**Informational Testimony:**

Doug Abelin, Montana Trail Vehicle Riders and Off Highway Vehicle Assn. He said they do not oppose the bill, but they do not like the name change for Forest Service roads. They fear this name change will negate any progress they have made in determining the enforcement authority of off highway use. They would like to see all federal agencies involved in this bill. They are asking the committee to strike the Forest portion and allow the associations to reach a resolution with the federal agencies.

*{Tape: 1; Side: A; Approx. Time Counter: 26.8 - 30}*

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.2}*

Mike Barrett was given two minutes to address the committee as a courtesy. He brought no information pertinent to any of the bills heard today.

**EXHIBIT**(trh05a04)

*{Tape: 1; Side: B; Approx. Time Counter: 3.2 - 8.5}*

Colonel Shawn Driscoll, Montana Highway Patrol, stated he was available to answer questions for the committee.

*{Tape: 1; Side: B; Approx. Time Counter: 8.5 - 9.5}*

**Questions from Committee Members and Responses:**

REP. BOOKOUT-REINEKE, KEENE, OLSON, GOLIE, questioned Doug Abelin and REP. KAUFMANN regarding the definition of Forest roads. Abelin

gave a detailed description of the five types of Forest Service roads and what restrictions apply to each road. He also explained the problems his associations have encountered with the Forest Service.

***{Tape: 1; Side: B; Approx. Time Counter: 9.5 - 25.9}***

**Closing by Sponsor:**

**REP. KAUFMANN** closed by offering an amendment to strike all portions of HB 68 that dealt with Forest Service Trails or roads. This will allow the Recreational Users a chance to get a clear definition of Forest Service Roads and clarify that the name change will not effect the present statutes.

***{Tape: 1; Side: B; Approx. Time Counter: 25.9 - 31}***

**ADJOURNMENT**

Adjournment: 4:25 P.M.

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REP. KARL WAITSCHIES, Chairman

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PATI O'REILLY, Secretary

KW/PO

**EXHIBIT (trh05aad)**